

IN THE UNITED STATES COURT OF APPEALS

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FOR THE ELEVENTH CIRCUIT

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No. 07-10450-G

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 22 2007

THOMAS K. KAHN
CLERK

HORACE BUSH,

Petitioner-Appellant,

versus

STATE OF ALABAMA,
ALABAMA DEPARTMENT OF CORRECTIONS, et al.,

Respondents-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant has failed to make the requisite showing, the motion for a certificate of appealability is DENIED.

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.

True Copy - Attested
Clerk, U.S. Court of Appeals
Eleventh Circuit

By: 

Deputy Clerk
Atlanta, Georgia

/s/ R. Lanier Anderson
UNITED STATES CIRCUIT JUDGE